

Assembly Bill No. 1245

CHAPTER 807

An act to amend Sections 3306 and 3440 of the Business and Professions Code, relating to hearing aid dispensers.

[Approved by Governor October 8, 1997. Filed
with Secretary of State October 9, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, Martinez. Hearing aid dispensers.

(1) Existing law provides procedures for the licensing of hearing aid dispensers by the Hearing Aid Dispensers Examining Committee. Existing law provides that these provisions regulating hearing aid dispensers neither license nor prohibit the testing of hearing. However, existing law provides that these provisions apply when testing is conducted by licensed hearing aid dispensers in connection with the fitting and selling of hearing aids.

This bill would delete the above language that provides that the provisions regulating hearing aid dispensers neither license nor prohibit the testing of hearing. The bill would make a conforming change.

(2) Existing law defines the "practice of fitting or selling hearing aids." Existing law makes it a misdemeanor to violate the provisions governing the licensing of hearing aid dispensers.

This bill would permit the conduct of specific hearing tests for purposes of those provisions and would prohibit a hearing aid dispenser from conducting diagnostic hearing tests when conducting tests in connection with the fitting or selling of hearing aids. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 3306 of the Business and Professions Code is amended to read:

3306. (a) "Practice of fitting or selling hearing aids," as used in this chapter, means those practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the

ear, testing of hearing in connection with the fitting and selling of hearing aids, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling.

The practice of selling hearing aids does not include the act of concluding the transaction by a retail clerk.

When any audiometer or other equipment is used in the practice of fitting or selling hearing aids, it shall be kept properly calibrated and in good working condition, and the calibration of the audiometer or other equipment shall be checked at least annually.

(b) A hearing aid dispenser shall not conduct diagnostic hearing tests when conducting tests in connection with the fitting or selling of hearing aids.

(c) Hearing tests conducted pursuant to this chapter shall include those that are in compliance with the Food and Drug Administration Guidelines for Hearing Aid Devices and those that are specifically covered in the licensing examination prepared and administered by the Hearing Aid Dispensers Examining Committee.

SEC. 2. Section 3440 of the Business and Professions Code is amended to read:

3440. When tests are conducted by persons licensed under this chapter in connection with the fitting and selling of hearing aids, the provisions of this chapter shall apply.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

